

Public Health Associated with Homeless Encampments on Department Owned Rights of Way

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The following report provides the agency's response to the proviso found in the 2023-25 Transportation Budget, ESHB 1125, Section 216 (4)(b), regarding *Public Health Associated with Homeless Encampments on state-owned rights of way*. The Washington State Department of Transportation continues its work to clear encampments within agency owned rights of way – a result of the lack of affordable housing and homelessness crisis felt both locally and nationally. While we've had some early successes stabilizing and/or clearing some sites, WSDOT is not equipped to resolve the underlying causes of homelessness alone. WSDOT's approach recognizes that the agency is but one leg of the stool of services that must be provided to successfully transition these individuals and get them the resources they need to live successfully inside. And while our efforts and partnerships have humanely transitioned some people experiencing homelessness on rights of way into stable, secure shelter, we acknowledge there is more work to be done. Housing remains a key need for Washington along with support by social service providers and the presence of law enforcement during some cleaning activities for the safety of WSDOT maintenance personnel and service providers.

This report focuses on the work done under the separate Maintenance Program provisos for WSDOT to address encampments on state rights of way – and is separate from routine highway maintenance work. It is important to note that this WSDOT-direct proviso work and funding is separate – though similar – to the work done under the state Encampment Resolution Program (ERP), formerly known as the state Right of Way Safety Initiative proviso which provided funding to the Department of Commerce and created partnerships with WSDOT, Washington State Patrol (WSP) and local service providers (see section below for synopsis of ERP work). However, some of the WSDOT-specific funding is at times used in the ERP work or in specific city provisos to support efforts at initiative sites that qualify under both proviso efforts.

WSDOT highway maintenance crews are responsible for maintaining and preserving the state's transportation system. That often looks like crews conducting pothole repairs, clearing catch basins or clogged culverts, vegetation management, safety rest area maintenance, mowing for sightlines, snow/ice removal, sign washing and responding to real-time emergencies. Agency road crews are not suitable nor the trained subject matter experts to be social service providers, licensed counselors or law enforcement personnel. The department relies heavily on other state agency, non-profit, local jurisdictional and behavioral health partners to take action before a site can be cleaned.

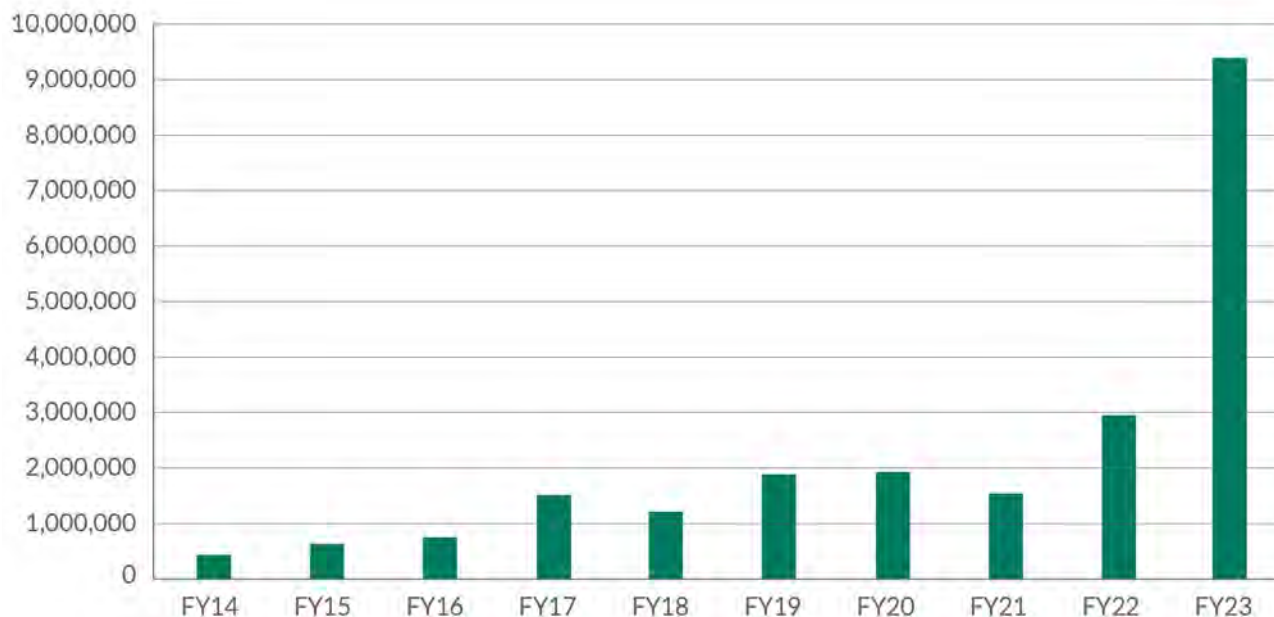
There are four actions that allow encampments to be removed from WSDOT right of way:

1. The offering of shelter and services to people living there
2. Storage of their belongings
3. Safety and security for people on site and work crews
4. Restoration and cleanup of the property

WSDOT's responsibility and expertise is limited to the last action, the clean-up, repair, and restoration of right of way. As such, the agency must rely on partnerships with local jurisdictions, law enforcement and social services when addressing any area with an encampment. And, the overarching need is for creation of safe, secure housing options for people experiencing homelessness, which is well beyond the expertise, ability or funding of a transportation agency. WSDOT engages with a variety of partners when there is an immediate safety threat at a particular encampment on our right of way but given the number of encampments and limited resources, the agency is unable to address all of them with the care, compassion and resources such work requires.

Previous reports can be accessed from our website under [legislative reports archive](#). This report summarizes the work completed in fiscal year 2023 (July 2022 to June 2023). (This report is not focused on the separate state Right of Way Safety Initiative work, which is funded through Commerce. A brief synopsis of that work is included below for informational purposes, but Commerce is the reporting agency on those funds). During the 2021-23 biennium, a total of \$12 million was directed via proviso for specific encampment related cleanup work within the Maintenance Program budget. However, WSDOT's work exceeded the proviso and the total expenditures came in nearly \$12.4 million.

Statewide Homeless Cleanup Expenditures



LAW ENFORCEMENT SUPPORT AND PRESENCE OF ENCAMPMENT CLEANUPS

WSP plays an important role in assisting people who live along the state's rights of way transition into safe, sustainable housing alternatives. As the enforcement agency for state highways, WSP troopers provide a secure environment for WSDOT crews to mitigate a site after it has been posted for cleaning. Troopers also partner with local law enforcement personnel and first responders in addressing reported crimes and other public safety concerns at known encampments. As the process of resolving each encampment matures, WSP also coordinates with WSDOT and other service providers on strategies to minimize the likelihood of any re-encampment efforts.

Both agencies acknowledge that it's not safe nor humane for individuals to live along state rights of way – for the unsheltered, the neighboring communities and the traveling public. WSP's approach acknowledges a thoughtful partnership while addressing possible criminal activity and public safety concerns. Washington's affordable housing crisis is consistent with what other cities, counties and states experience along with many social and cultural challenges that contribute to an increasing number of people living outside that require coordinated attention by a variety of service providers. The current levels of collaboration and focused determination are WSP and WSDOT's best pathways to significant and sustainable resolution.

HIGHLIGHTS AND CHALLENGES:

- Lack of enough safe, stable housing for people living unsheltered on WSDOT right of way – housing availability is the biggest obstacle in resolving the challenge of homelessness.
- A variety of available housing options is ideal for moving a large encampment because of mental health, domestic violence security, privacy and other concerns that prevent some residents from functioning in a congregate shelter.
- Jurisdictional, law enforcement and behavioral health partnerships are vital to lasting change and reducing the footprint of an encampment, with the goal of closing a known site altogether. Without this approach, people will often cut fencing to return to a cleared site or simply move to a new spot within hours of cleaning a location.
- WSDOT faces many critical needs within Maintenance Operations and not enough resources to address them for the 2023-2025 biennium. The state's transportation infrastructure is the very backbone of our state's economy and way of life. The legislature has funded new projects to meet growing demands, but years of underfunding Maintenance and Preservation has put the health of our existing system in jeopardy. While expansion projects are important, Washington's transportation system needs a balance of Capital delivery *along with Maintenance and Preservation. Our economic future is dependent on both, not either or.*

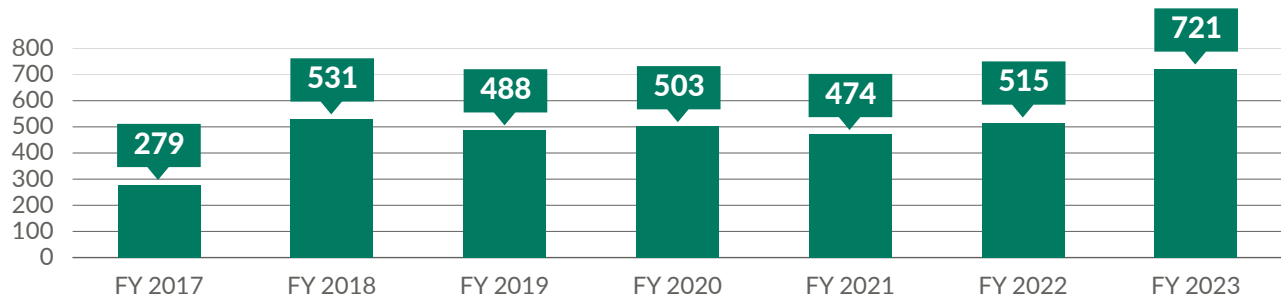
RIGHT OF WAY ENCAMPMENT DATA

Safety is WSDOT's top priority: the safety of the traveling public, our employees and those experiencing homelessness. WSDOT began documenting the locations of observed encampments in the Maintenance Operations database (HATS) in 2015. These locations were documented during the normal course of maintenance activities, such as inspections or repairs of infrastructure located near the encampments or when reported by constituents. They were not undertaken nor intended as a comprehensive survey or census count, and such work would be outside the scope of current Maintenance Operations activities.

Existing data only includes locations on WSDOT right of way, where evidence of a site or cleanup effort has taken place. WSDOT is not able to do a point in time count, nor do we have much detailed information of size, risk level or emergency hazards posed by each encampment. Often, conditions within a homeless encampment can pose safety risk for our workers, including people experiencing mental health issues, health hazards (including rotting garbage, human waste, biohazardous materials, discarded needles), and stolen or discarded property, which is why WSDOT staff will not enter an occupied location without the support and coordination with local law enforcement. The data collected is tied to the WSDOT's role and includes three general categories:

- Cleanup activities performed at identified locations on WSDOT right of way by WSDOT staff or contractor.
- Monitoring observations document anything visually observed by WSDOT staff at identified locations, either occupied or recently cleaned to identify possible re-occupation and/or new damage.
- Notification to vacate location posted by WSDOT staff at an inventoried site 72 hours prior to a cleanup activity occurring.

Cleanup activities on WSDOT right of way

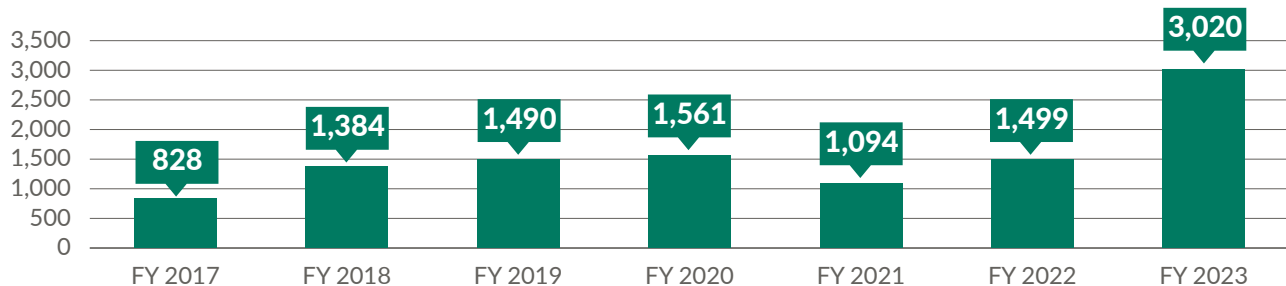


*Number of individual cleanups that have occurred each fiscal year at an inventoried encampment location, some years include multiple cleanups at the same location.

Cleanup activity recorded statistics on WSDOT right of way

Fiscal Year	Cleanup Activities	Inventoried Encampment Locations	Locations with Hypodermic Needles Present	Locations with Human Waste and/or Biohazards Present	Hostile Encounters with WSDOT Staff During Cleanup
2017	279	214	179	178	19
2018	531	371	375	390	20
2019	488	337	374	357	20
2020	503	350	403	366	19
2021	474	287	314	308	22
2022	515	302	375	339	16
2023	721	313	463	451	22

Monitoring activities on WSDOT right of way

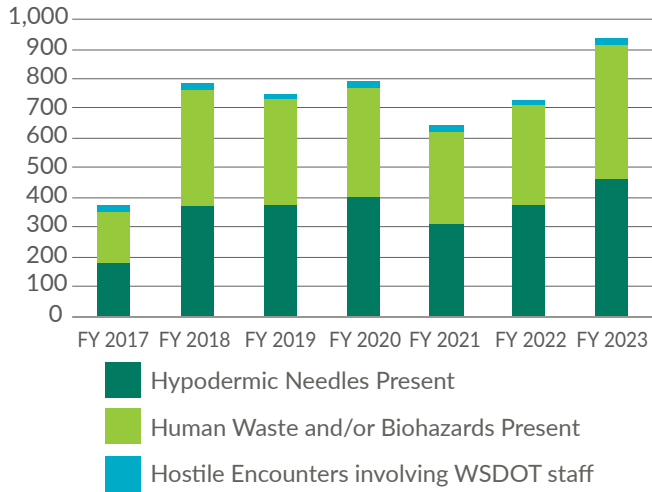


*Number of individual recorded monitoring observations that have occurred by WSDOT staff at an inventoried encampment location, includes multiple observations at the same location.

Monitoring observations on WSDOT right of way

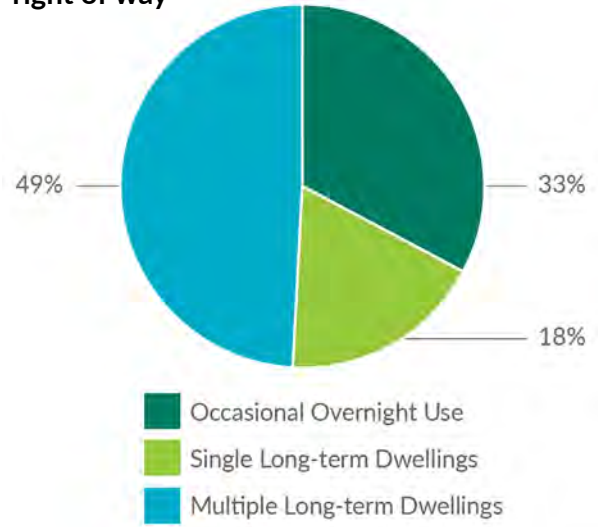
Fiscal Year	Monitoring Observations	Inventoried Encampment Locations	Occupied at the Time of Observation	Hostile Encounters with WSDOT Staff During Observation
2017	828	182	138	10
2018	1384	259	266	9
2019	1490	322	371	14
2020	1561	410	401	9
2021	1094	329	318	1
2022	1499	238	556	12
2023	3020	790	937	15

Safety related risks to WSDOT staff



*Safety risks to WSDOT staff during encampment cleanup duties only.

Classification of observed dwelling on WSDOT right of way



Occasional overnight use:



Single long-term dwelling:



Multiple long-term dwellings:



Vacate notification posting statistics on WSDOT right of way

Fiscal Year	Posted Activities	Inventoried Encampment Locations	Hostile Encounters
2017	191	144	8
2018	262	192	12
2019	279	202	38
2020	172	127	9
2021	139	119	3
2022	176	124	2
2023	447	313	6

*Number of individual posting notifications to vacate that have occurred in an inventoried encampment location, includes multiple notifications at the same location.

ENCAMPMENT RESOLUTION PROGRAM

As noted above, the work under the Encampment Resolution Program (ERP), formerly known as the Right of Way Safety Initiative is similar in general approach but is separate from the WSDOT-specific funding provided in the Maintenance Program. The ERP is funded with a separate proviso to the state Department of Commerce and includes a partnership between Commerce, WSDOT, WSP and many local governments and/or service providers. It is initially focused on five counties: King, Pierce, Thurston, Snohomish and Spokane. Comprehensive reporting on the ERP will be provided by Commerce in a separate report.

Washington State Counties



The proviso language requires offers of shelter/housing be made to everyone in an encampment site before it can be cleared and that the housing should be a “meaningful improvement over the individual’s current living situation” and be “well-matched to an individual’s assessed needs.” This is labor- and time-intensive work by service providers but has been found to be the best chance for long-term success in putting people on a path of success. More information is available in the [WSDOT blog](#) on the efforts that rely on available shelter/housing being available in each jurisdiction.

As of Aug. 31, 2023, work has taken place or begun on 30 locations under the ERP, with 25 sites closed. Statewide, 959 people at these sites have accepted housing offers; of those 792 remained in program housing and 126 were listed as “successful exits” as of Aug. 31.

(Does not include Spokane tallies after May 2023, which will be updated this fall.)

MOVING FORWARD

The 2023-25 transportation budget included five specific provisos for encampment related work within the Maintenance Program:

1. Statewide response to encampment related needs \$7 million – This funding is fully committed and expected to be expended within the first fiscal year. The funds are allocated to agreements for security such as WSP, partnerships with cities and counties such as Vancouver, Lacey, and Olympia as well as cleanup costs incurred by maintenance crews and/or contractors.
2. City of Spokane \$1 million – New proviso for 2023-25
3. City of Seattle \$1,025,000 – Ongoing agreement
4. City of Tacoma \$1,015,000 – Ongoing agreement
5. City of Fife/Gateway Puget Sound Project \$1,500,000 – Reappropriation of unspent funds from 2021-23

Each site and community are different, which is why it's so important to have meaningful, productive partnerships with local governments and outreach groups. The local governments and outreach partners play key roles in overall location success because they're able to identify their local needs as well as have the connections with area providers who can help meet those needs on the ground.

Based on this direction and available funding, WSDOT continues communication with other organizational partners and jurisdictions who may be interested in working together using this model. WSDOT cleanup activities are on-going in areas where social services have been provided, where planned or reactive maintenance work needs to occur and in areas where emergent safety concerns have been identified. This includes work in locations with vacated encampments and in situations with immediate danger to WSDOT crews, contracted staff, or the public.

AGENCY RECOMMENDATIONS

Addressing homeless encampments on state-owned right of way must be a partnership and multi-agency response. WSDOT does not have the staff, resources or expertise to combat the underlying causes of homelessness alone – nor is that appropriate for our maintenance personnel to do so. The agency also does not have a real-time census count of encampments and lacks the resources, staffing and training of the social service providers who can accomplish this task.

This work requires consistent funding in place for all partners – especially including increased and varied types of housing to meet all the needs of the people experiencing homelessness and increased law enforcement presence for monitoring vacated sites to prevent them from being repopulated.

Providing funding directly to partners will ensure consistent work can be accomplished and therefore provide more information about outcomes and where efforts may be improved. That additional expertise is needed to help quantify the overall needs at every level (state government, local governments, social services, and community organizations) to achieve the proviso's objectives.

APPENDIX

ESHB 1125: 2023-25 Transportation Budget, WSDOT, Maintenance Program Sec. 216

- (4) (a) \$7,000,000 of the motor vehicle account—state appropriation is provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of \$2,000,000 of this appropriation must be used to deliver more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.
- (b) Beginning November 1, 2023, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the transportation committees of the legislature on the status of these efforts, including:
- (i) A summary of the activities related to addressing encampments, including information on arrangements with local governments or other entities related to these activities;
 - (ii) A description of the planned activities in the ensuing two quarters to further address the emergency hazards and risks along state highway rights-of-way; and (iii) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way
- (5) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Spokane, to be administered in conjunction with subsection (4) of this section. The program must address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$555,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Spokane shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.
- (6) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (4) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(7) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (4) of this section. The program must address the safety and public health problems created by homeless encampments on the department’s property along state highways within the city limits. \$570,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city’s expenses for clean-up crews and landfill costs.

(8) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/ SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits pursuant to section 216(10), chapter 186, Laws of 2022. However, the amount provided in this subsection must be placed in unallotted status and may not be spent prior to November 1, 2023. If, after November 1, 2023, the department, in consultation with the office of financial management, determines that the department fully spent the \$2,000,000 appropriated in section 216(10), chapter 186, Laws of 2022, within the 2021-2023 fiscal biennium for this purpose, the amount provided in this subsection must remain in unallotted status and unspent. If the department did not fully spend the \$2,000,000 within the 2021-2023 fiscal biennium, the department may only spend from the appropriation in this subsection an amount not in excess of the amount unspent from the \$2,000,000 within the 2021-2023 fiscal biennium, with any remaining amount to remain in unallotted status and unspent. In no event may the department spend more than \$2,000,000 within the 2021-2023 and 2023-2025 fiscal biennia for this purpose

ESSB 5187, 2023-25 Operating Budget Commerce Sec. 129

(36)(a) \$75,050,000 of the general fund—state appropriation for fiscal year 2024 and \$75,050,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a targeted grant program to transition persons residing in encampments to safer housing opportunities, with an emphasis on ensuring individuals living unsheltered reach permanent housing solutions. Eligible grant recipients include local governments and nonprofit organizations operating to provide housing or services. The department may provide funding to state agencies to ensure individuals accessing housing services are also able to access other wrap-around services that enable them to obtain housing such as food, personal identification, and other related services. Local government and nonprofit grant recipients may use grant funding to provide outreach, housing, case management, transportation, site monitoring, and other services needed to assist individuals residing in encampments and on public rights-of-way with moving into housing.

(b) Of the amounts provided in this subsection:

- (i) No less than \$120,000,000 must be used for housing services for persons residing on state-owned rights-of-way; and
- (ii) All remaining funds may be used for housing services for persons residing in encampments, including encampments located on public lands, as defined in RCW 79.02.010, or state parks and parkways.

- (c) Grant criteria must include, but are not limited to:
- (i) Whether a site where the grantee will conduct outreach and engagement has been identified as a location where individuals residing in encampments or on the public right-of-way are in specific circumstances or physical locations that expose them to especially or imminently unsafe conditions;
 - (ii) A commitment to resolve encampments through extensive outreach followed by matching individuals with temporary lodging or permanent housing that is reasonably likely to fit with their actual needs and situation, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability;
 - (iii) A commitment to transition individuals who are initially matched to temporary lodging into a permanent housing placement within six months except under unusual circumstances;
 - (iv) Local government readiness and capacity to enter into and fulfill the grant requirements as applicable; and
 - (v) Other criteria as identified by the department.
- (d) When awarding grants under (a) of this subsection, the department must prioritize applicants that focus on ensuring an expeditious path to sustainable permanent housing solutions, and that demonstrate an understanding of working with individuals to identify their optimal housing type and level of ongoing services through the effective use of outreach, engagement, and temporary lodging and permanent housing placement.
- (e) Grant recipients under (a) of this subsection must enter into a memorandum of understanding with the department, and other state agencies if applicable, as a condition of receiving funds. Memoranda of understanding must specify the responsibilities of the grant recipients and the state agencies, consistent with the requirements of (c) of this subsection, and must include specific measurable outcomes for each entity signing the memorandum. The department must publish all signed memoranda on the department's website and must publish updates on outcomes for each memorandum at least every 90 days, while taking steps to protect the privacy of individuals served by the program. At a minimum, outcomes must include:
- (i) The number of people actually living in any encampment identified for intervention by the department or grantees;
 - (ii) The demographics of those living in any encampment identified for intervention by the department or grantees;
 - (iii) The duration of engagement with individuals living within encampments;
 - (iv) The types of housing options that were offered;
 - (v) The number of individuals who accepted offered housing;
 - (vi) Any reasons given for why individuals declined offered housing;
 - (vii) The types of assistance provided to move individuals into offered housing;
 - (viii) Any services and benefits in which an individual was successfully enrolled; and
 - (ix) The housing outcomes of individuals who were placed into housing six months and one year after placement.

- (f) Grant recipients under (a) of this subsection may not transition individuals from encampments or close encampments unless they have provided extensive outreach and offered each individual temporary lodging or permanent housing that matches the actual situation and needs of each person, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability. Grant recipients who initially match an individual to temporary lodging must make efforts to transition the person to a permanent housing placement within six months except under unusual circumstances. The department must establish criteria regarding the safety, accessibility, and habitability of housing options to be offered by grant recipients to ensure that such options are private, sanitary, healthy, and dignified, and that grant recipients provide options that are well-matched to an individual's assessed needs.
- (g) Funding granted to eligible recipients under (a) of this subsection may not be used to supplant or replace existing funding provided for housing or homeless services.